



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5846

Introduced 2/10/2010, by Rep. Eddie Lee Jackson, Sr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code and Boat Registration and Safety Act. Defines "boat trailer" in both the Illinois Vehicle Code and Boat Registration and Safety Act. Excludes boat trailers from the registration and certificate of title provisions of the Illinois Vehicle Code. Transfers the registration provisions applicable to boat trailers from the Illinois Vehicle Code to the Boat Registration and Safety Act and provides that the Department of Natural Resources (rather than the Secretary of State) shall administer the registration of boat trailers and collect the flat weight tax applicable to boat trailers. Modifies the certificate of title and transfer provisions of the Boat Registration and Safety Act applicable to watercraft to also make those provisions applicable to certificate of titles for boat trailers. Effective July 1, 2012.

LRB096 19153 AJT 34544 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 3-402, 3-601 and 3-819 and by adding Section 1-106.8
6 as follows:

7 (625 ILCS 5/1-106.8 new)

8 Sec. 1-106.8. Boat trailer. A trailer designed exclusively
9 for carrying watercraft, as defined by Section 1-2 of the Boat
10 Registration and Safety Act.

11 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

12 Sec. 3-402. Vehicles subject to registration; exceptions.

13 A. Exemptions and Policy. Every motor vehicle, trailer,
14 semitrailer and pole trailer when driven or moved upon a
15 highway shall be subject to the registration and certificate of
16 title provisions of this Chapter except:

17 (1) Any such vehicle driven or moved upon a highway in
18 conformance with the provisions of this Chapter relating to
19 manufacturers, transporters, dealers, lienholders or
20 nonresidents or under a temporary registration permit
21 issued by the Secretary of State;

22 (2) Any implement of husbandry whether of a type

1 otherwise subject to registration hereunder or not which is
2 only incidentally operated or moved upon a highway, which
3 shall include a not-for-hire movement for the purpose of
4 delivering farm commodities to a place of first processing
5 or sale, or to a place of storage;

6 (3) Any special mobile equipment as herein defined;

7 (4) Any vehicle which is propelled exclusively by
8 electric power obtained from overhead trolley wires though
9 not operated upon rails;

10 (5) Any vehicle which is equipped and used exclusively
11 as a pumper, ladder truck, rescue vehicle, searchlight
12 truck, or other fire apparatus, but not a vehicle of a type
13 which would otherwise be subject to registration as a
14 vehicle of the first division;

15 (6) Any vehicle which is owned and operated by the
16 federal government and externally displays evidence of
17 federal ownership. It is the policy of the State of
18 Illinois to promote and encourage the fullest use of its
19 highways and to enhance the flow of commerce thus
20 contributing to the economic, agricultural, industrial and
21 social growth and development of this State, by authorizing
22 the Secretary of State to negotiate and enter into
23 reciprocal or proportional agreements or arrangements with
24 other States, or to issue declarations setting forth
25 reciprocal exemptions, benefits and privileges with
26 respect to vehicles operated interstate which are properly

1 registered in this and other States, assuring nevertheless
2 proper registration of vehicles in Illinois as may be
3 required by this Code;

4 (7) Any converter dolly or tow dolly which merely
5 serves as substitute wheels for another legally licensed
6 vehicle. A title may be issued on a voluntary basis to a
7 tow dolly upon receipt of the manufacturer's certificate of
8 origin or the bill of sale;

9 (8) Any house trailer found to be an abandoned mobile
10 home under the Abandoned Mobile Home Act;

11 (9) Any vehicle that is not properly registered or does
12 not have registration plates issued to the owner or
13 operator affixed thereto, or that does have registration
14 plates issued to the owner or operator affixed thereto but
15 the plates are not appropriate for the weight of the
16 vehicle, provided that this exemption shall apply only
17 while the vehicle is being transported or operated by a
18 towing service and has a third tow plate affixed to it; -

19 (10) Any boat trailer registered under Section 3-15 of
20 the Boat Registration and Safety Act.

21 B. Reciprocity. Any motor vehicle, trailer, semitrailer or
22 pole trailer need not be registered under this Code provided
23 the same is operated interstate and in accordance with the
24 following provisions and any rules and regulations promulgated
25 pursuant thereto:

26 (1) A nonresident owner, except as otherwise provided

1 in this Section, owning any foreign registered vehicle of a
2 type otherwise subject to registration hereunder, may
3 operate or permit the operation of such vehicle within this
4 State in interstate commerce without registering such
5 vehicle in, or paying any fees to, this State subject to
6 the condition that such vehicle at all times when operated
7 in this State is operated pursuant to a reciprocity
8 agreement, arrangement or declaration by this State, and
9 further subject to the condition that such vehicle at all
10 times when operated in this State is duly registered in,
11 and displays upon it, a valid registration card and
12 registration plate or plates issued for such vehicle in the
13 place of residence of such owner and is issued and
14 maintains in such vehicle a valid Illinois reciprocity
15 permit as required by the Secretary of State, and provided
16 like privileges are afforded to residents of this State by
17 the State of residence of such owner.

18 Every nonresident including any foreign corporation
19 carrying on business within this State and owning and
20 regularly operating in such business any motor vehicle,
21 trailer or semitrailer within this State in intrastate
22 commerce, shall be required to register each such vehicle
23 and pay the same fees therefor as is required with
24 reference to like vehicles owned by residents of this
25 State.

26 (2) Any motor vehicle, trailer, semitrailer and pole

1 trailer operated interstate need not be registered in this
2 State, provided:

3 (a) that the vehicle is properly registered in
4 another State pursuant to law or to a reciprocity
5 agreement, arrangement or declaration; or

6 (b) that such vehicle is part of a fleet of
7 vehicles owned or operated by the same person who
8 registers such fleet of vehicles pro rata among the
9 various States in which such fleet operates; or

10 (c) that such vehicle is part of a fleet of
11 vehicles, a portion of which are registered with the
12 Secretary of State of Illinois in accordance with an
13 agreement or arrangement concurred in by the Secretary
14 of State of Illinois based on one or more of the
15 following factors: ratio of miles in Illinois as
16 against total miles in all jurisdictions; situs or base
17 of a vehicle, or where it is principally garaged, or
18 from whence it is principally dispatched or where the
19 movements of such vehicle usually originate; situs of
20 the residence of the owner or operator thereof, or of
21 his principal office or offices, or of his places of
22 business; the routes traversed and whether regular or
23 irregular routes are traversed, and the jurisdictions
24 traversed and served; and such other factors as may be
25 deemed material by the Secretary and the motor vehicle
26 administrators of the other jurisdictions involved in

1 such apportionment. Such vehicles shall maintain
2 therein any reciprocity permit which may be required by
3 the Secretary of State pursuant to rules and
4 regulations which the Secretary of State may
5 promulgate in the administration of this Code, in the
6 public interest.

7 (3) (a) In order to effectuate the purposes of this
8 Code, the Secretary of State of Illinois is empowered
9 to negotiate and execute written reciprocal agreements
10 or arrangements with the duly authorized
11 representatives of other jurisdictions, including
12 States, districts, territories and possessions of the
13 United States, and foreign states, provinces, or
14 countries, granting to owners or operators of vehicles
15 duly registered or licensed in such other
16 jurisdictions and for which evidence of compliance is
17 supplied, benefits, privileges and exemption from the
18 payment, wholly or partially, of any taxes, fees or
19 other charges imposed with respect to the ownership or
20 operation of such vehicles by the laws of this State
21 except the tax imposed by the Motor Fuel Tax Law,
22 approved March 25, 1929, as amended, and the tax
23 imposed by the Use Tax Act, approved July 14, 1955, as
24 amended.

25 The Secretary of State may negotiate agreements or
26 arrangements as are in the best interests of this State

1 and the residents of this State pursuant to the
2 policies expressed in this Section taking into
3 consideration the reciprocal exemptions, benefits and
4 privileges available and accruing to residents of this
5 State and vehicles registered in this State.

6 (b) Such reciprocal agreements or arrangements
7 shall provide that vehicles duly registered or
8 licensed in this State when operated upon the highways
9 of such other jurisdictions, shall receive exemptions,
10 benefits and privileges of a similar kind or to a
11 similar degree as extended to vehicles from such
12 jurisdictions in this State.

13 (c) Such agreements or arrangements may also
14 authorize the apportionment of registration or
15 licensing of fleets of vehicles operated interstate,
16 based on any or all of the following factors: ratio of
17 miles in Illinois as against total miles in all
18 jurisdictions; situs or base of a vehicle, or where it
19 is principally garaged or from whence it is principally
20 dispatched or where the movements of such vehicle
21 usually originate; situs of the residence of the owner
22 or operator thereof, or of his principal office or
23 offices, or of his places of business; the routes
24 traversed and whether regular or irregular routes are
25 traversed, and the jurisdictions traversed and served;
26 and such other factors as may be deemed material by the

1 Secretary and the motor vehicle administrators of the
2 other jurisdictions involved in such apportionment,
3 and such vehicles shall likewise be entitled to
4 reciprocal exemptions, benefits and privileges.

5 (d) Such agreements or arrangements shall also
6 provide that vehicles being operated in intrastate
7 commerce in Illinois shall comply with the
8 registration and licensing laws of this State, except
9 that vehicles which are part of an apportioned fleet
10 may conduct an intrastate operation incidental to
11 their interstate operations. Any motor vehicle
12 properly registered and qualified under any reciprocal
13 agreement or arrangement under this Code and not having
14 a situs or base within Illinois may complete the
15 inbound movement of a trailer or semitrailer to an
16 Illinois destination that was brought into Illinois by
17 a motor vehicle also properly registered and qualified
18 under this Code and not having a situs or base within
19 Illinois, or may complete an outbound movement of a
20 trailer or semitrailer to an out-of-state destination
21 that was originated in Illinois by a motor vehicle also
22 properly registered and qualified under this Code and
23 not having a situs or base in Illinois, only if the
24 operator thereof did not break bulk of the cargo laden
25 in such inbound or outbound trailer or semitrailer.
26 Adding or unloading intrastate cargo on such inbound or

1 outbound trailer or semitrailer shall be deemed as
2 breaking bulk.

3 (e) Such agreements or arrangements may also
4 provide for the determination of the proper State in
5 which leased vehicles shall be registered based on the
6 factors set out in subsection (c) above and for
7 apportionment of registration of fleets of leased
8 vehicles by the lessee or by the lessor who leases such
9 vehicles to persons who are not fleet operators.

10 (f) Such agreements or arrangements may also
11 include reciprocal exemptions, benefits or privileges
12 accruing under The Illinois Driver Licensing Law or The
13 Driver License Compact.

14 (4) The Secretary of State is further authorized to
15 examine the laws and requirements of other jurisdictions,
16 and, in the absence of a written agreement or arrangement,
17 to issue a written declaration of the extent and nature of
18 the exemptions, benefits and privileges accorded to
19 vehicles of this State by such other jurisdictions, and the
20 extent and nature of reciprocal exemptions, benefits and
21 privileges thereby accorded by this State to the vehicles
22 of such other jurisdictions. A declaration by the Secretary
23 of State may include any, part or all reciprocal
24 exemptions, benefits and privileges or provisions as may be
25 included within an agreement or arrangement.

26 (5) All agreements, arrangements, declarations and

1 amendments thereto, shall be in writing and become
2 effective when signed by the Secretary of State, and copies
3 of all such documents shall be available to the public upon
4 request.

5 (6) The Secretary of State is further authorized to
6 require the display by foreign registered trucks,
7 truck-tractors and buses, entitled to reciprocal benefits,
8 exemptions or privileges hereunder, a reciprocity permit
9 for external display before any such reciprocal benefits,
10 exemptions or privileges are granted. The Secretary of
11 State shall provide suitable application forms for such
12 permit and shall promulgate and publish reasonable rules
13 and regulations for the administration and enforcement of
14 the provisions of this Code including a provision for
15 revocation of such permit as to any vehicle operated
16 wilfully in violation of the terms of any reciprocal
17 agreement, arrangement or declaration or in violation of
18 the Illinois Motor Carrier of Property Law, as amended.

19 (7) (a) Upon the suspension, revocation or denial of
20 one or more of all reciprocal benefits, privileges and
21 exemptions existing pursuant to the terms and
22 provisions of this Code or by virtue of a reciprocal
23 agreement or arrangement or declaration thereunder;
24 or, upon the suspension, revocation or denial of a
25 reciprocity permit; or, upon any action or inaction of
26 the Secretary in the administration and enforcement of

1 the provisions of this Code, any person, resident or
2 nonresident, so aggrieved, may serve upon the
3 Secretary, a petition in writing and under oath,
4 setting forth the grievance of the petitioner, the
5 grounds and basis for the relief sought, and all
6 necessary facts and particulars, and request an
7 administrative hearing thereon. Within 20 days, the
8 Secretary shall set a hearing date as early as
9 practical. The Secretary may, in his discretion,
10 supply forms for such a petition. The Secretary may
11 require the payment of a fee of not more than \$50 for
12 the filing of any petition, motion, or request for
13 hearing conducted pursuant to this Section. These fees
14 must be deposited into the Secretary of State DUI
15 Administration Fund, a special fund that is hereby
16 created in the State treasury, and, subject to
17 appropriation and as directed by the Secretary of
18 State, shall be used to fund the operation of the
19 hearings department of the Office of the Secretary of
20 State and for no other purpose. The Secretary shall
21 establish by rule the amount and the procedures, terms,
22 and conditions relating to these fees.

23 (b) The Secretary may likewise, in his discretion
24 and upon his own petition, order a hearing, when in his
25 best judgment, any person is not entitled to the
26 reciprocal benefits, privileges and exemptions

1 existing pursuant to the terms and provisions of this
2 Code or under a reciprocal agreement or arrangement or
3 declaration thereunder or that a vehicle owned or
4 operated by such person is improperly registered or
5 licensed, or that an Illinois resident has improperly
6 registered or licensed a vehicle in another
7 jurisdiction for the purposes of violating or avoiding
8 the registration laws of this State.

9 (c) The Secretary shall notify a petitioner or any
10 other person involved of such a hearing, by giving at
11 least 10 days notice, in writing, by U.S. Mail,
12 Registered or Certified, or by personal service, at the
13 last known address of such petitioner or person,
14 specifying the time and place of such hearing. Such
15 hearing shall be held before the Secretary, or any
16 person as he may designate, and unless the parties
17 mutually agree to some other county in Illinois, the
18 hearing shall be held in the County of Sangamon or the
19 County of Cook. Appropriate records of the hearing
20 shall be kept, and the Secretary shall issue or cause
21 to be issued, his decision on the case, within 30 days
22 after the close of such hearing or within 30 days after
23 receipt of the transcript thereof, and a copy shall
24 likewise be served or mailed to the petitioner or
25 person involved.

26 (d) The actions or inactions or determinations, or

1 findings and decisions upon an administrative hearing,
2 of the Secretary, shall be subject to judicial review
3 in the Circuit Court of the County of Sangamon or the
4 County of Cook, and the provisions of the
5 Administrative Review Law, and all amendments and
6 modifications thereof and rules adopted pursuant
7 thereto, apply to and govern all such reviewable
8 matters.

9 Any reciprocal agreements or arrangements entered
10 into by the Secretary of State or any declarations
11 issued by the Secretary of State pursuant to any law in
12 effect prior to the effective date of this Code are not
13 hereby abrogated, and such shall continue in force and
14 effect until amended pursuant to the provisions of this
15 Code or expire pursuant to the terms or provisions
16 thereof.

17 (Source: P.A. 92-418, eff. 8-17-01; 92-651, eff. 7-11-02.)

18 (625 ILCS 5/3-601) (from Ch. 95 1/2, par. 3-601)

19 Sec. 3-601. Operation of vehicles under special plates.

20 (a) A manufacturer owning any unregistered vehicle of a
21 type otherwise required to be registered under this Act may
22 operate or move such upon the highways without registering each
23 such vehicle upon condition that any such vehicle display
24 thereon, a special plate or plates issued to such owner as
25 provided in this Article.

1 (b) A dealer owning any unregistered vehicle of a type
2 otherwise required to be registered under this Act and held by
3 him for sale or resale, may operate or move such upon the
4 highways without registering each such vehicle upon condition
5 that any such vehicle display thereon a special plate or plates
6 issued to such owner as provided in this Article.

7 (c) A transporter may operate or move any vehicle not owned
8 by him upon the highways by the driveaway or towaway methods
9 solely for the purpose of delivery upon likewise displaying
10 thereon like plates issued to him as provided in this Article.

11 (d) (Blank). ~~A boat dealer owning any boat trailer of a~~
12 ~~type otherwise required to be registered under this Act may~~
13 ~~operate or move such upon the highways and haul a boat~~
14 ~~customarily sold with such boat trailer, without registering~~
15 ~~each such boat trailer upon condition that any such boat~~
16 ~~trailer display thereon, in the manner prescribed in Section~~
17 ~~3-413, a special plate or plates issued to such owner as~~
18 ~~provided in this Article.~~

19 (e) Any person owning unregistered vehicles of a type
20 required to be registered and which are exclusively operated
21 off the highways and upon private property, may move such
22 vehicles from one plant location to another upon the highways
23 without registering each such vehicle upon conditions that any
24 such vehicle display thereon a special plate or plates issued
25 to such persons as provided in this Article. Such vehicles must
26 be unladen and may not be operated upon any highways with such

1 special plates except for the interplant movement.

2 (f) Any person owning a vehicle of a type required to be
3 registered which when purchased is not yet equipped for work or
4 service, may move such vehicle from the point of original
5 manufacture or sale to a body shop or other place where the
6 vehicle is to be equipped for work or service and from such
7 point to the owner's place of business without first
8 registering each such vehicle upon condition that any such
9 vehicle display thereon a special plate or plates issued to
10 such person as provided in this Article. Upon completion of
11 such movement, any such vehicle subject to registration must be
12 properly registered.

13 (g) Special plates issued under this Article must be
14 displayed in the manner provided for in Section 3-413.

15 (h) Any such vehicle bearing such special plate or plates
16 may be operated without registration for any purpose, except
17 that no such special plate or plates shall be used on any
18 vehicle which is rented by the manufacturer or dealer to
19 another person or which is used to transport passengers or
20 property for hire, nor, except as provided in paragraph (i) of
21 this Section, shall any such special plate or plates be used on
22 a second division vehicle which is carrying cargo or
23 merchandise except in demonstrating such second division
24 vehicle for the purposes of sale, or for the purpose of testing
25 engine and driveline components.

26 (i) The provisions of this Article authorizing special

1 plates shall not apply to work or service vehicles owned by a
 2 manufacturer, transporter or dealer except a truck up to 8,000
 3 pounds gross weight owned by a dealer and used for hauling
 4 parts incidental to the operation of the dealer's business.

5 (j) The Secretary of State may limit the number of special
 6 plates issued to any applicant.

7 (Source: P.A. 78-753; 78-1297.)

8 (625 ILCS 5/3-819) (from Ch. 95 1/2, par. 3-819)

9 Sec. 3-819. Trailer; Flat weight tax.

10 (a) Farm Trailer. Any farm trailer drawn by a motor vehicle
 11 of the second division registered under paragraph (a) or (c) of
 12 Section 3-815 and used exclusively by the owner for his own
 13 agricultural, horticultural or livestock raising operations
 14 and not used for hire, or any farm trailer utilized only in the
 15 transportation for-hire of seasonal, fresh, perishable fruit
 16 or vegetables from farm to the point of first processing, and
 17 any trailer used with a farm tractor that is not an implement
 18 of husbandry may be registered under this paragraph in lieu of
 19 registration under paragraph (b) of this Section upon the
 20 filing of a proper application and the payment of the \$10
 21 registration fee and the highway use tax herein for use of the
 22 public highways of this State, at the following rates which
 23 include the \$10 registration fee:

24 SCHEDULE OF FEES AND TAXES

25 Gross Weight in Lbs. Class Total Amount

1	Including Vehicle		each
2	and Maximum Load		Fiscal Year
3	10,000 lbs. or less	VDD	\$60
4	10,001 to 14,000 lbs.	VDE	106
5	14,001 to 20,000 lbs.	VDG	166
6	20,001 to 28,000 lbs.	VDJ	378
7	28,001 to 36,000 lbs.	VDL	650

8 An owner may only apply for and receive two farm trailer
 9 registrations.

10 (b) All other owners of trailers, other than apportionable
 11 trailers registered under Section 3-402.1 of this Code and boat
 12 trailers registered under Section 3-15 of the Boat Registration
 13 and Safety Act, used with a motor vehicle on the public
 14 highways, shall pay to the Secretary of State for each
 15 registration year a flat weight tax, for the use of the public
 16 highways of this State, at the following rates (which includes
 17 the registration fee of \$10 required by Section 3-813):

18 SCHEDULE OF TRAILER FLAT

19 WEIGHT TAX REQUIRED

20 BY LAW

21	Gross Weight in Lbs.		Total Fees
22	Including Vehicle and		each
23	Maximum Load	Class	Fiscal Year
24	3,000 lbs. and less	TA	\$18
25	5,000 lbs. and more than 3,000	TB	54
26	8,000 lbs. and more than 5,000	TC	58

1	10,000 lbs. and more than 8,000	TD	106
2	14,000 lbs. and more than 10,000	TE	170
3	20,000 lbs. and more than 14,000	TG	258
4	32,000 lbs. and more than 20,000	TK	722
5	36,000 lbs. and more than 32,000	TL	1,082
6	40,000 lbs. and more than 36,000	TN	1,502

7 (c) The number of axles necessary to carry the maximum load
8 provided shall be determined from Chapter 15 of this Code.

9 (Source: P.A. 96-328, eff. 8-11-09.)

10 Section 10. The Boat Registration and Safety Act is amended
11 by changing Sections 1-2, 3-4, 3-5, 3A-1, 3A-3, 3A-4, 3A-5,
12 3A-6, 3A-7, 3A-10, 3A-12, 3A-15, 3A-17, 3A-18, 3A-19, 3A-20,
13 and 3A-21 and the headings of Article III and Article IIIA and
14 by adding Sections 3-15, 3-16, and 3-17 as follows:

15 (625 ILCS 45/1-2) (from Ch. 95 1/2, par. 311-2)

16 Sec. 1-2. Definitions. As used in this Act, unless the
17 context clearly requires a different meaning:

18 "Boat trailer" has the meaning ascribed to that term by the
19 Illinois Vehicle Code.

20 "Vessel" or "Watercraft" means every description of
21 watercraft used or capable of being used as a means of
22 transportation on water, except a seaplane on the water,
23 innertube, air mattress or similar device, and boats used for
24 concession rides in artificial bodies of water designed and

1 used exclusively for such concessions.

2 "Motorboat" means any vessel propelled by machinery,
3 whether or not such machinery is the principal source of
4 propulsion, but does not include a vessel which has a valid
5 marine document issued by the Bureau of Customs of the United
6 States Government or any Federal agency successor thereto.

7 "Sailboat" means any watercraft propelled by sail or
8 canvas, including sailboards. For the purposes of this Act, any
9 watercraft propelled by both sail or canvas and machinery of
10 any sort shall be deemed a motorboat when being so propelled.

11 "Airboat" means any boat (but not including airplanes or
12 hydroplanes) propelled by machinery applying force against the
13 air rather than the water as a means of propulsion.

14 "Lifeboat" means a small boat kept on board a larger boat
15 for use in emergency.

16 "Owner" means a person, other than lien holder, having
17 title to a motorboat. The term includes a person entitled to
18 the use or possession of a motorboat subject to an interest in
19 another person, reserved or created by agreement and securing
20 payment of performance of an obligation, but the term excludes
21 a lessee under a lease not intended as security.

22 "Waters of this State" means any water within the
23 jurisdiction of this State.

24 "Person" means an individual, partnership, firm,
25 corporation, association, or other entity.

26 "Operate" means to navigate or otherwise use a motorboat or

1 vessel.

2 "Department" means the Department of Natural Resources.

3 "Competent" means capable of assisting a skier in case of
4 injury or accident.

5 "Personal flotation device" or "PFD" means a device that is
6 approved by the Commandant, U.S. Coast Guard, under Part 160 of
7 Title 46 of the Code of Federal Regulations.

8 "Recreational boat" means any vessel manufactured or used
9 primarily for noncommercial use; or leased, rented or chartered
10 to another for noncommercial use.

11 "Personal watercraft" means a vessel that uses an inboard
12 motor powering a water jet pump as its primary source of motor
13 power and that is designed to be operated by a person sitting,
14 standing, or kneeling on the vessel, rather than the
15 conventional manner of sitting or standing inside the vessel,
16 and includes vessels that are similar in appearance and
17 operation but are powered by an outboard or propeller drive
18 motor.

19 "Specialty prop-craft" means a vessel that is similar in
20 appearance and operation to a personal watercraft but that is
21 powered by an outboard or propeller driven motor.

22 "Underway" applies to a vessel or watercraft at all times
23 except when it is moored at a dock or anchorage area.

24 "Use" applies to all vessels on the waters of this State,
25 whether moored or underway.

26 (Source: P.A. 89-445, eff. 2-7-96.)

1 (625 ILCS 45/Art. III heading)

2 ARTICLE III. REGISTRATION OF MOTORBOATS AND
3 SAILBOATS OVER 12 FEET IN LENGTH
4 AND BOAT TRAILERS

5 (625 ILCS 45/3-4) (from Ch. 95 1/2, par. 313-4)

6 Sec. 3-4. Destruction, sale, transfer or abandonment. The
7 owner of any watercraft or boat trailer shall within 15 days
8 notify the Department if the watercraft or boat trailer is
9 destroyed or abandoned, or is sold or transferred either wholly
10 or in part to another person or persons. In sale or transfer
11 cases, the notice shall be accompanied by a surrender of the
12 certificate of number of a watercraft or the registration of
13 the boat trailer. In destruction or abandonment cases, the
14 notice shall be accompanied by a surrender of the certificate
15 of title. When the surrender of the certificate is by reason of
16 the watercraft or boat trailer being destroyed or abandoned,
17 the Department shall cancel the certificate and enter such fact
18 in its records.

19 The Department shall be notified in writing of any change
20 of address. Should the owner desire a new certificate of number
21 for a watercraft, showing the new address, he shall surrender
22 his old certificate and notify the Department of the new
23 address, remitting \$1 to cover the issuance of a new
24 certificate of number. If the surrender is by reason of a sale

1 or transfer either wholly or in part to another person or
2 persons, the owner surrendering the certificate of number shall
3 state to the Department, under oath, the name of the purchaser
4 or transferee.

5 (Source: P.A. 85-149.)

6 (625 ILCS 45/3-5) (from Ch. 95 1/2, par. 313-5)

7 Sec. 3-5. Transfer of Identification Number. The purchaser
8 of a watercraft or boat trailer shall, within 15 days after
9 acquiring same, make application to the Department for transfer
10 to him of the certificate of number issued to the watercraft or
11 the license plates issued for a boat trailer giving his name,
12 address and the number of the watercraft or boat trailer ~~boat~~.
13 The purchaser of a watercraft shall apply for a
14 transfer-renewal for a fee as prescribed under Section 3-2 of
15 this Act for approximately 3 years. The purchaser of a boat
16 trailer shall apply for a renewal of a boat trailer
17 registration under subsection (j) of Section 3-15 of this Act
18 for approximately 3 years. All watercraft transfers will bear
19 June 30 expiration dates in the calendar year of expiration.
20 Upon receipt of the application and fee, together with proof
21 that any tax imposed under the Municipal Use Tax Act or County
22 Use Tax Act has been paid or that no such tax is owed, the
23 Department shall transfer the certificate of number issued to
24 the watercraft or the license plates issued to a boat trailer
25 to the new owner.

1 Unless the application is made and fee paid, and proof of
2 payment of municipal use tax or county use tax or nonliability
3 therefor is made, within 30 days, the watercraft shall be
4 deemed to be without certificate of number, the boat trailer
5 shall be deemed to be without registration, and it shall be
6 unlawful for any person to operate the watercraft or boat
7 trailer until the certificate is issued.

8 (Source: P.A. 87-1109.)

9 (625 ILCS 45/3-15 new)

10 Sec. 3-15. Registration cards and plates issued for boat
11 trailers.

12 (a) Every boat trailer, when driven or moved upon a
13 highway, shall be subject to the registration and certificate
14 of title provisions of this Article.

15 (b) It shall be unlawful for any person to drive or move or
16 for an owner knowingly to permit to be driven or moved upon any
17 highway any boat trailer required to be registered hereunder
18 which is not registered or for which the appropriate fee has
19 not been paid when and as required hereunder, except that when
20 application accompanied by proper fee has been made for
21 registration of a boat trailer it may be operated temporarily
22 pending complete registration upon displaying a duplicate
23 application duly verified or other evidence of such application
24 or otherwise under rules and regulations promulgated by the
25 Secretary of State.

1 (c) Every owner of a boat trailer subject to registration
2 under this Section shall make application to the Department for
3 the registration of such boat trailer upon the appropriate form
4 or forms furnished by the Department. When such application
5 refers to a new boat trailer purchased from a dealer the
6 application shall be accompanied by a Manufacturer's Statement
7 of Origin from the dealer, and a statement showing any lien
8 retained by the dealer.

9 (d) The Department shall refuse registration or any
10 transfer of registration upon any of the following grounds:

11 (1) That the application contains any false or
12 fraudulent statement or that the applicant has failed to
13 furnish required information or reasonable additional
14 information requested by the Secretary of State or that the
15 applicant is not entitled to the issuance of a certificate
16 of title or registration of the boat trailer;

17 (2) That the Department has reasonable ground to
18 believe that the boat trailer is a stolen or embezzled
19 vehicle or that the granting of registration would
20 constitute a fraud against the rightful owner or other
21 person having valid lien upon such vehicle;

22 (3) That the required fee has not been paid; or

23 (4) That the applicant is 90 days or more delinquent in
24 court ordered child support payments or has been
25 adjudicated in arrears in an amount equal to 90 days'
26 obligation or more and has been found in contempt of court

1 for failure to pay the support, subject to the requirements
2 and procedures of Article VII of Chapter 7 of the Illinois
3 Vehicle Code.

4 (e) The Department, upon registering a boat trailer, shall
5 issue a registration card. The registration card shall be
6 delivered to the owner and shall contain upon the face thereof
7 the date issued, the name and address of the owner, the
8 registration number assigned to the boat trailer, and such
9 description of the vehicle as determined by the Department.

10 (f) Every registration card for a boat trailer shall at all
11 times be carried in the motor vehicle that is towing the boat
12 trailer or shall be carried by the person driving or in control
13 of such vehicle who shall display the same upon demand of a
14 police officer or any officer or employee of the Department.
15 This subsection shall not apply when such card is used for the
16 purpose of making application for renewal of registration or
17 upon a transfer of registration of the boat trailer.

18 (g) The Department upon registering a boat trailer subject
19 to a 3-year registration for the first time shall issue or
20 shall cause to be issued to the owner one registration plate
21 for a boat trailer. On subsequent 3-year registrations during
22 the term of the registration plate as provided in subsection
23 (i) of this Section, the Department shall issue or cause to be
24 issued registration stickers as evidence of current
25 registration. Every registration plate shall have displayed
26 upon it the registration number assigned to the boat trailer

1 for which it is issued, the name of this State, which may be
2 abbreviated, the year number for which it was issued, which may
3 be abbreviated, the phrase "Land of Lincoln", and such other
4 letters or numbers as the Department may prescribe.

5 (h) Registration plates issued for a boat trailer required
6 to be registered under this Section shall be attached to the
7 rear thereof.

8 (i) Every boat trailer registration under this Section and
9 every registration card and registration plate or registration
10 sticker issued under this Section for a boat trailer shall be
11 for the periods specified in this Section and shall expire at
12 midnight on the day and date specified in this Section as
13 follows: when registered on a 3 calendar year basis commencing
14 January 1 of the first year, expiration shall be on the 31st
15 day of December of the third year, or at such other later date
16 as may be selected in the discretion of the Department.

17 (j) Application for renewal of a boat trailer registration
18 shall be made by the owner not later than December 1 of the
19 year preceding commencement of the 3-year registration period.
20 Application for renewal of a boat trailer registration shall be
21 made by the owner in the form and manner prescribed by the
22 Department. The Department may receive applications for
23 renewal of registration and grant the same and issue new
24 registration cards and plates or registration stickers at any
25 time prior to expiration of registration. No person shall
26 display upon a vehicle, the new registration plates or

1 registration stickers prior to the dates the Department, in his
2 discretion, may select.

3 (k) Whenever any person after making application for or
4 obtaining the registration of a boat trailer shall move from
5 the address named in the application or shown upon a
6 registration card such person shall, within 10 days thereafter,
7 notify the Department of his or her old and new address.
8 Whenever the name of any person who has made application for or
9 obtained the registration of a boat trailer is thereafter
10 changed by marriage or otherwise such person shall within 10
11 days notify the Department of such former and new name. In
12 either event, any such person may obtain a corrected
13 registration card or certificate of title upon application and
14 payment of the statutory fee.

15 (l) In the event any registration card, plate, registration
16 sticker or other Illinois evidence of proper registration of a
17 boat trailer is lost, mutilated or becomes illegible, the owner
18 or legal representative or successor in interest of the owner
19 of the boat trailer for which the same was issued as shown by
20 the records of the Department shall immediately make
21 application for and may obtain a duplicate under a new
22 registration card, plate, registration sticker or other
23 Illinois evidence of proper registration. In the event any
24 registration card, plate, registration sticker or other
25 Illinois evidence of proper registration is stolen from the
26 owner, the owner or legal representative or successor in

1 interest of the owner of the boat trailer shall promptly notify
2 the Department, and in order to comply with subsection (h) of
3 this Section, the owner shall make application for and obtain a
4 duplicate registration card, plate, registration sticker or
5 other Illinois evidence of proper registration. The Department
6 may, if advisable, issue a substitute or new registration
7 number in lieu of issuing a duplicate. An applicant for a
8 duplicate shall furnish information satisfactory to and
9 prescribed by the Department, and he shall forward with the
10 application, the fees prescribed by law.

11 (m) Every natural person shall have the right of
12 reassignment of the license plate number issued to him for a
13 three-year registration, for the ensuing three-year period.
14 The application for reassignment must be received by the
15 Department on or before September 30th of the year preceding
16 commencement of the three-year period.

17 (n) Notwithstanding subsection (m) of this Section, the
18 Department shall, subject to the existing right of
19 reassignment, have the authority to designate new specific
20 combinations of numerical, alpha-numerical, and
21 numerical-alpha licenses for boat registered under this
22 Section. The new combinations so specified shall not be subject
23 to the right of reassignment, and no right of reassignment
24 thereto may at any future time be acquired.

25 (o) All boat trailers registered under this Section are
26 subject to the equipment requirements applicable to trailers in

1 Article 12 of the Illinois Vehicle Code.

2 (p) The number of axles necessary to carry the maximum load
3 provided shall be determined from Chapter 15 of the Illinois
4 Vehicle Code.

5 (r) Boat trailers registered under this Section are subject
6 to all provisions of the Illinois Vehicle Code applicable to
7 other types of trailers, except for the registration and
8 certificate of title requirements of the Illinois Vehicle Code.

9 (r) A boat dealer owning any boat trailer of a type
10 otherwise required to be registered under this Act may operate
11 or move such upon the highways and haul a boat customarily sold
12 with such boat trailer, without registering each such boat
13 trailer upon condition that any such boat trailer display
14 thereon, in accordance with subsection (h) of this Section, a
15 special dealer plate issued to such owner as provided in
16 Article VI of the Illinois Vehicle Code.

17 (625 ILCS 45/3-16 new)

18 Sec. 3-16. Temporary permit or registration pending
19 registration.

20 (a) Temporary Permit. The Department, in his discretion,
21 may grant a temporary permit or placard to operate a boat
22 trailer for which application for registration and certificate
23 of title has been made where such application is accompanied by
24 the proper fee, pending action upon said application by the
25 Department. In lieu of payment of the proper fee, the

1 Department may accept a bond therefor or a certificate of
2 deposit, in the proper amount, and in the same form and subject
3 to the same requirements as the payment of such fees or taxes
4 on an installment basis, except that the fees or taxes due
5 shall be payable and paid to the Department. The design, color
6 and format of the temporary permit or placard shall be wholly
7 within the discretion of the Department.

8 (b) Temporary Registration. The Department, in his
9 discretion, may issue registration plates to an owner for which
10 application and certificate of title has been made where such
11 application is accompanied by the proper fee and tax, pending
12 completion of the said application by the applicant and the
13 Department, subject however to rules and regulations
14 promulgated by the Department.

15 (c) Revocation. A temporary permit or registration is subject
16 to revocation to the same extent as any other registration.

17 (625 ILCS 45/3-17 new)

18 Sec. 3-17. Boat trailer; Flat weight tax.

19 (a) All other owners of boat trailers used with a motor
20 vehicle on the public highways shall pay to the Department for
21 each registration year a flat weight tax, for the use of the
22 public highways of this State, at the following rates:

23 SCHEDULE OF TRAILER FLAT

24 WEIGHT TAX REQUIRED

25 BY LAW

<u>Gross Weight in Lbs.</u>		<u>Total Fees</u>
<u>Including Vehicle and</u>		<u>each</u>
<u>Maximum Load</u>	<u>Class</u>	<u>Fiscal Year</u>
<u>3,000 lbs. and less</u>	<u>TA</u>	<u>\$18</u>
<u>5,000 lbs. and more than 3,000</u>	<u>TB</u>	<u>54</u>
<u>8,000 lbs. and more than 5,000</u>	<u>TC</u>	<u>58</u>
<u>10,000 lbs. and more than 8,000</u>	<u>TD</u>	<u>106</u>
<u>14,000 lbs. and more than 10,000</u>	<u>TE</u>	<u>170</u>
<u>20,000 lbs. and more than 14,000</u>	<u>TG</u>	<u>258</u>
<u>32,000 lbs. and more than 20,000</u>	<u>TK</u>	<u>722</u>
<u>36,000 lbs. and more than 32,000</u>	<u>TL</u>	<u>1,082</u>
<u>40,000 lbs. and more than 36,000</u>	<u>TN</u>	<u>1,502</u>

13 (625 ILCS 45/Art. IIIA heading)

14 ARTICLE IIIA. CERTIFICATE OF TITLE, MOTORBOATS AND
 15 SAILBOATS OVER 12 FEET IN LENGTH
 16 AND BOAT TRAILERS

17 (625 ILCS 45/3A-1) (from Ch. 95 1/2, par. 313A-1)

18 Sec. 3A-1. Certificate of title required.

19 (a) Every owner of a watercraft required to be numbered by
 20 this State or a boat trailer required to be registered by this
 21 Act and for which no certificate of title has been issued by
 22 the Department of Natural Resources shall make application to
 23 the Department of Natural Resources for a certificate of title
 24 either before or at the same time he next applies for issuance,

1 transfer or renewal of a certificate of number. All watercraft
2 and boat trailers already covered by a number in full force and
3 effect which has been awarded to it pursuant to Federal law is
4 exempt from titling requirements in this Act.

5 (b) The Department shall not issue, transfer or renew a
6 certificate of number unless a certificate of title has been
7 issued by the Department of Natural Resources or an application
8 for a certificate of title has been delivered to the
9 Department.

10 (Source: P.A. 89-445, eff. 2-7-96.)

11 (625 ILCS 45/3A-3) (from Ch. 95 1/2, par. 313A-3)

12 Sec. 3A-3. Application for first certificate of title.

13 (a) The application for the first certificate of title in
14 this State must be made by the owner to the Department of
15 Natural Resources on the form prescribed and must contain:

16 1. The name, residence and mail address of the owner;

17 2. A description of the watercraft or boat trailer so
18 far as the following data exists: Its make, model, year of
19 manufacture, manufacturer's serial number or builder's
20 hull number, length and principal material used in
21 construction;

22 3. The date of purchase by applicant, the name and
23 address of the person from whom the watercraft or boat
24 trailer was acquired and the names and addresses of any
25 lienholders in the order of their priority and the dates of

1 their security agreements; and

2 4. Any further information the Department of Natural
3 Resources reasonably requires to identify the watercraft
4 and to enable the Department to determine whether the owner
5 is entitled to a certificate of title and the existence or
6 nonexistence of security interests in the watercraft or
7 boat trailer.

8 (b) If the application refers to a watercraft or boat
9 trailer purchased from a dealer, it must contain the name and
10 address of any lienholder holding a security interest created
11 or reserved at the time of the sale and the date of his
12 security agreement and be signed by the dealer as well as the
13 owner, and the dealer must within 15 days mail or deliver the
14 application to the Department of Natural Resources.

15 (c) If the application refers to a watercraft or boat
16 trailer last previously registered in another State or country,
17 the application must contain or be accompanied by:

18 1. Any certificate of title issued by the other State
19 or country; and

20 2. Any other information and documents the Department
21 of Natural Resources reasonably requires to establish
22 ownership and the existence or nonexistence of security
23 interests.

24 (Source: P.A. 91-357, eff. 7-29-99.)

25 (625 ILCS 45/3A-4) (from Ch. 95 1/2, par. 313A-4)

1 Sec. 3A-4. Examination of records. The Department of
2 Natural Resources, upon receiving application for a first
3 certificate of title, shall check the identifying description
4 of the watercraft shown in the application against the records
5 required to be maintained by Section 3A-5 of this Article and
6 against the record of stolen and converted watercraft or boat
7 trailer required to be maintained by Section 3A-6 of this
8 Article.

9 (Source: P.A. 89-445, eff. 2-7-96.)

10 (625 ILCS 45/3A-5) (from Ch. 95 1/2, par. 313A-5)

11 Sec. 3A-5. Certificate of title - Issuance - Records.

12 (a) The Department of Natural Resources shall file each
13 application received and, when satisfied as to its genuineness
14 and regularity, and that no tax imposed by the Use Tax Act or
15 the Watercraft Use Tax Law is owed as evidenced by the receipt
16 for payment or determination of exemption from the Department
17 of Revenue provided for in Section 3A-3 of this Article, and
18 that the applicant is entitled to the issuance of a certificate
19 of title, shall issue a certificate of title.

20 (b) The Department of Natural Resources shall maintain a
21 record of all certificates of title issued under a distinctive
22 title number assigned to the watercraft or boat trailer and, in
23 the discretion of the Department, in any other method
24 determined.

25 (Source: P.A. 93-840, eff. 7-30-04.)

1 (625 ILCS 45/3A-6) (from Ch. 95 1/2, par. 313A-6)

2 Sec. 3A-6. Stolen and recovered watercraft or boat
3 trailers.

4 (a) Every sheriff, superintendent of police, chief of
5 police or other police officer in command of any police
6 department in any city, village or town of the State shall, by
7 the fastest means of communications available to his or her law
8 enforcement agency, immediately report to the Department of
9 State Police the theft or recovery of any stolen or converted
10 watercraft or boat trailer within his or her district or
11 jurisdiction. The report shall give the date of theft,
12 description of the watercraft or boat trailer including color,
13 manufacturer's trade name, manufacturer's series name,
14 identification number and registration number, including the
15 state in which the registration number was issued, together
16 with the name, residence address, business address, and
17 telephone number of the owner. The report shall be routed by
18 the originating law enforcement agency through the State Police
19 in a form and manner prescribed by the Department of State
20 Police.

21 (b) A registered owner or a lienholder may report the theft
22 by conversion of a watercraft or boat trailer to the Department
23 of State Police or any other police department or sheriff's
24 office. The report will be accepted as a report of theft and
25 processed only if a formal complaint is on file and a warrant

1 issued.

2 (c) The Department of State Police shall keep a complete
3 record of all reports filed under this Section. Upon receipt of
4 the report, a careful search shall be made of the records of
5 the Department of State Police, and where it is found that a
6 watercraft or boat trailer reported recovered was stolen in a
7 county, city, village or town other than the county, city,
8 village or town in which it is recovered, the recovering agency
9 shall notify the reporting agency of the recovery in a form and
10 manner prescribed by the Department of State Police.

11 (d) Notification of the theft of a watercraft or boat
12 trailer will be furnished to the Department of Natural
13 Resources by the Department of State Police. The Department of
14 Natural Resources shall place the proper information in the
15 title registration files and in the certificate of number files
16 to indicate the theft of a watercraft or boat trailer.
17 Notification of the recovery of a watercraft or boat trailer
18 previously reported as a theft or a conversion will be
19 furnished to the Department of Natural Resources by the
20 Department of State Police. The Department of Natural Resources
21 shall remove the proper information from the certificate of
22 number and title registration files that has previously
23 indicated the theft of a watercraft or boat trailer. The
24 Department of Natural Resources shall suspend the certificate
25 of number of a watercraft upon receipt of a report that the
26 watercraft was stolen and shall suspend the registration of a

1 boat trailer upon receipt of a report that the boat trailer was
2 stolen.

3 (e) When the Department of Natural Resources receives an
4 application for a certificate of title, ~~or~~ an application for a
5 certificate of number of a watercraft, or an application for
6 registration of a boat trailer and it is determined from the
7 records that the watercraft or boat trailer has been reported
8 stolen, the Department of Natural Resources, Division of Law
9 Enforcement, shall immediately notify the State Police and
10 shall give the State Police the name and address of the person
11 or firm titling or registering the watercraft or boat trailer,
12 together with all other information contained in the
13 application submitted by the person or firm.

14 (Source: P.A. 89-445, eff. 2-7-96.)

15 (625 ILCS 45/3A-7) (from Ch. 95 1/2, par. 313A-7)

16 Sec. 3A-7. Contents and effect.

17 (a) Each certificate of title issued by the Department of
18 Natural Resources shall contain:

19 1. The date issued;

20 2. The name and address of the owner;

21 3. The names and addresses of any lienholders, in the
22 order of priority as shown on the application or, if the
23 application is based on a certificate of title, as shown on
24 the certificate;

25 4. The title number assigned to the watercraft or boat

1 trailer;

2 5. A description of the watercraft or boat trailer
3 including, so far as the following data exists: its make,
4 model, year of manufacture, registration number, and
5 manufacturer's serial number or, if none, the builder's
6 hull number, length, purchase date, and the principal
7 material used in construction;

8 6. Any other data the Department of Natural Resources
9 prescribes.

10 (b) The certificate of title shall contain forms for
11 assignment and warranty of title by the owner, and for
12 assignment and warranty of title by a dealer, and may contain
13 forms for applications for a certificate of title by a
14 transferee, the naming of a lienholder and the assignment or
15 release of the security interest of a lienholder.

16 (c) A certificate of title issued by the Department of
17 Natural Resources is prima facie evidence of the facts
18 appearing on it.

19 (d) A certificate of title is not subject to garnishment,
20 attachment, execution or other judicial process, but this
21 subsection does not prevent a lawful levy upon the watercraft
22 or boat trailer.

23 (e) Any certificate of title issued by the Department of
24 Natural Resources is subject to a lien in favor of the State of
25 Illinois for any fees or taxes required to be paid under this
26 Act and as have not been paid, as provided for in this Act.

1 (Source: P.A. 89-445, eff. 2-7-96.)

2 (625 ILCS 45/3A-10) (from Ch. 95 1/2, par. 313A-10)

3 Sec. 3A-10. Refusing certificate of title. The Department
4 of Natural Resources shall refuse issuance of a certificate of
5 title if any required fee is not paid or if he has reasonable
6 grounds to believe that:

7 (a) The applicant is not the owner of the watercraft or
8 boat trailer;

9 (b) The application contains a false or fraudulent
10 statement; or

11 (c) The applicant fails to furnish required information or
12 documents or any additional information the Department of
13 Natural Resources reasonably requires;

14 (d) The applicant has not paid any fees or taxes due under
15 this Act and have not been paid upon reasonable notice and
16 demand.

17 (Source: P.A. 89-445, eff. 2-7-96.)

18 (625 ILCS 45/3A-12) (from Ch. 95 1/2, par. 313A-12)

19 Sec. 3A-12. Transfer.

20 (a) If an owner transfers his interest in a watercraft or
21 boat trailer other than by the creation of a security interest,
22 he shall, at the time of the delivery, execute an assignment
23 and warranty of title to the transferee in the space provided
24 therefor on the certificate or as the Department of Natural

1 Resources prescribes and cause the certificate and assignment
2 to be mailed or delivered to the transferee or to the
3 Department of Natural Resources.

4 (b) Except as provided in Section 3A-14 of this Article,
5 the transferee shall, promptly and within 15 days after
6 delivery to him of the watercraft or boat trailer and the
7 assigned title, execute the application for a new certificate
8 of title in the space provided therefor on the certificate or
9 as the Department of Natural Resources prescribes, and cause
10 the certificate and application to be mailed or delivered to
11 the Department of Natural Resources.

12 (c) Upon request of the owner or transferee, a lienholder
13 in possession of the certificate of title shall, unless the
14 transfer was a breach of his security agreement, either deliver
15 the certificate to the transferee for delivery to the
16 Department of Natural Resources or, upon receipt from the
17 transferee of the owner's assignment, the transferee's
18 application for a new certificate and the required fee, mail or
19 deliver them to the Department of Natural Resources. The
20 delivery of the certificate does not affect the rights of the
21 lienholder under his security agreement.

22 (d) If a security interest is reserved or created at the
23 time of the transfer, the certificate of title shall be
24 retained by or delivered to the person who becomes the
25 lienholder, and the parties shall comply with the provisions of
26 Section 3B-3 of Article IIIB.

1 (e) Except as provided in Section 3A-14 of this Article and
2 as between the parties, a transfer by an owner is not effective
3 until the provisions of this Section and Section 3A-16 of this
4 Article have been complied with; however, an owner who has
5 delivered possession of the watercraft or boat trailer to the
6 transferee and has complied with the provisions of this Section
7 and Section 3A-16 of this Article requiring action by him as
8 not liable as owner for any damages thereafter resulting from
9 operation of the watercraft or boat trailer.

10 (f) The Department of Natural Resources may decline to
11 process any application for a transfer of an interest in a
12 watercraft or boat trailer if any fees or taxes due under this
13 Act from the transferor or the transferee have not been paid
14 upon reasonable notice and demand.

15 (Source: P.A. 89-445, eff. 2-7-96.)

16 (625 ILCS 45/3A-15) (from Ch. 95 1/2, par. 313A-15)

17 Sec. 3A-15. Transfer by operation of law.

18 (a) If the interest of an owner in a watercraft or boat
19 trailer passes to another other than by voluntary transfer, the
20 transferee shall, except as provided in subsection (b),
21 promptly mail or deliver within 15 days to the Department of
22 Natural Resources the last certificate of title, if available,
23 proof of the transfer, and his or her application for a new
24 certificate in the form the Department prescribes. It shall be
25 unlawful for any person having possession of a certificate of

1 title for a watercraft or boat trailer by reason of his or her
2 having a lien or encumbrance on such watercraft or boat
3 trailer, to fail or refuse to deliver such certificate to the
4 owner, upon the satisfaction or discharge of the lien or
5 encumbrance, indicated upon such certificate of title.

6 (b) If the interest of an owner in a watercraft or boat
7 trailer passes to another under the provisions of the Small
8 Estates provisions of the Probate Act of 1975, as amended, the
9 transferee shall promptly mail or deliver to the Department of
10 Natural Resources, within 120 days, the last certificate of
11 title, if available, the documentation required under the
12 provisions of the Probate Act of 1975, as amended, and an
13 application for certificate of title. The transfer may be to
14 the transferee or to the nominee of the transferee.

15 (c) If the interest of an owner in a watercraft or boat
16 trailer passes to another under other provisions of the Probate
17 Act of 1975, as amended, and the transfer is made by an
18 executor, administrator, or guardian for a disabled person,
19 such transferee shall promptly mail or deliver to the
20 Department of Natural Resources, the last certificate of title,
21 if available, and a certified copy of the letters testamentary,
22 letters of administration or letters of guardianship, as the
23 case may be, and an application for certificate of title. Such
24 application shall be made before the estate is closed. The
25 transfer may be to the transferee or to the nominee of the
26 transferee.

1 (d) If the interest of an owner in joint tenancy passes to
2 the other joint tenant with survivorship rights as provided by
3 law, the transferee shall promptly mail or deliver to the
4 Department of Natural Resources, the last certificate of title,
5 if available, proof of death of the one joint tenant and
6 survivorship of the surviving joint tenant, and an application
7 for certificate of title. Such application shall be made within
8 120 days after the death of the joint tenant. The transfer may
9 be to the transferee or to the nominee of the transferee.

10 (e) If the interest of the owner is terminated or the
11 watercraft or boat trailer is sold under a security agreement
12 by a lienholder named in the certificate of title, the
13 transferee shall promptly mail or deliver within 15 days to the
14 Department of Natural Resources the last certificate of title,
15 his or her application for a new certificate in the form the
16 Department prescribes, and an affidavit made by or on behalf of
17 the lienholder that the watercraft or boat trailer was
18 repossessed and that the interest of the owner was lawfully
19 terminated or sold pursuant to the terms of the security
20 agreement. In all cases wherein a lienholder has found it
21 necessary to repossess a watercraft or boat trailer and desires
22 to obtain certificate of title for such watercraft or boat
23 trailer in the name of such lienholder, the Department of
24 Natural Resources shall not issue a certificate of title to
25 such lienholder unless the person from whom such watercraft or
26 boat trailer has been repossessed, is shown to be the last

1 registered owner of such watercraft or boat trailer and such
2 lienholder establishes to the satisfaction of the Department
3 that he or she is entitled to such certificate of title.

4 (f) A person holding a certificate of title whose interest
5 in the watercraft or boat trailer has been extinguished or
6 transferred other than by voluntary transfer shall mail or
7 deliver the certificate within 15 days upon request of the
8 Department of Natural Resources. The delivery of the
9 certificate pursuant to the request of the Department of
10 Natural Resources does not affect the rights of the person
11 surrendering the certificate, and the action of the Department
12 in issuing a new certificate of title as provided herein is not
13 conclusive upon the rights of an owner or lienholder named in
14 the old certificate.

15 (g) The Department of Natural Resources may decline to
16 process any application for a transfer of an interest hereunder
17 if any fees or taxes due under this Act from the transferor or
18 the transferee have not been paid upon reasonable notice and
19 demand.

20 (h) The Department of Natural Resources shall not be held
21 civilly or criminally liable to any person because any
22 purported transferor may not have had the power or authority to
23 make a transfer of any interest in any watercraft or boat
24 trailer.

25 (Source: P.A. 89-445, eff. 2-7-96.)

1 (625 ILCS 45/3A-17) (from Ch. 95 1/2, par. 313A-17)

2 Sec. 3A-17. Transfer of watercraft or boat trailer. A
3 transferor of a watercraft or boat trailer, other than a dealer
4 transferring a new watercraft or boat trailer, shall deliver to
5 the transferee at the time of delivery of possession of the
6 watercraft or boat trailer the properly assigned certificate of
7 title.

8 (Source: P.A. 85-149.)

9 (625 ILCS 45/3A-18) (from Ch. 95 1/2, par. 313A-18)

10 Sec. 3A-18. Transfer or surrender of certificate of title.

11 (a) The Department of Natural Resources, upon receipt of a
12 properly assigned certificate of title, with an application for
13 a new certificate of title, the required fee and any other
14 documents required by law, shall issue a new certificate of
15 title in the name of the transferee as owner and mail it to the
16 first lienholder named in it or, if none, to the owner.

17 (b) The Department of Natural Resources, upon receipt of an
18 application for a new certificate of title by a transferee
19 other than by voluntary transfer, with proof of the transfer,
20 the required fee and any other documents required by law, shall
21 issue a new certificate of title in the name of the transferee
22 as owner. If the outstanding certificate of title is not
23 delivered to him, the Department shall make demand therefor
24 from the holder thereof.

25 (c) The Department of Natural Resources shall file and

1 retain for 4 years every surrendered Illinois certificate of
2 title, the file to be maintained so as to permit the tracing of
3 title of the watercraft or boat trailer designated therein.

4 (Source: P.A. 89-445, eff. 2-7-96.)

5 (625 ILCS 45/3A-19) (from Ch. 95 1/2, par. 313A-19)

6 Sec. 3A-19. Scrapping, junking or destroying a watercraft
7 or boat trailer. An owner who scraps, junks or destroys a
8 watercraft or boat trailer, or a person who purchases a
9 watercraft or boat trailer as scrap or as a watercraft or boat
10 trailer to be junked or destroyed shall immediately cause the
11 certificate of title to be mailed or delivered to the
12 Department of Natural Resources, and a certificate of title
13 shall not again be issued for such watercraft or boat trailer.
14 Upon receipt of the certificate of title, the Department shall
15 cancel the certificate.

16 (Source: P.A. 89-445, eff. 2-7-96.)

17 (625 ILCS 45/3A-20) (from Ch. 95 1/2, par. 313A-20)

18 Sec. 3A-20. Offenses relating to titling; misdemeanors.
19 Violation of any of the following provisions shall constitute a
20 Class A misdemeanor:

21 (a) No person shall operate in this State a watercraft or
22 boat trailer for which a certificate of title is required
23 without having such certificate of title.

24 (b) No person shall sell, transfer or otherwise dispose of

1 a watercraft or boat trailer without delivering to the
2 purchaser or transferee a certificate of title, or a
3 manufacturer's or importer's certificate, assigned to such
4 purchaser or transferee as required by this Act.

5 (c) No person shall fail to surrender to the Department of
6 Natural Resources any certificate of title upon cancellation of
7 the same by the Department for any valid reason set forth in
8 this Act or regulations adopted pursuant thereto.

9 (Source: P.A. 88-524; 89-445, eff. 2-7-96.)

10 (625 ILCS 45/3A-21) (from Ch. 95 1/2, par. 313A-21)

11 Sec. 3A-21. Offenses relating to titling; felonies.
12 Violation of any of the following provisions shall constitute a
13 Class 2 felony:

14 (a) No person shall alter, forge or counterfeit any
15 certificate of title or a manufacturer's or importer's
16 certificate to a watercraft or boat trailer.

17 (b) No person shall alter or falsify any assignment of a
18 certificate of title, or an assignment or cancellation of a
19 security interest on a certificate of title to a watercraft or
20 boat trailer.

21 (c) No person shall hold or use a certificate of title to a
22 watercraft or boat trailer nor hold or use any assignment or
23 cancellation of a security interest on a certificate of title
24 to a watercraft or boat trailer, knowing it to have been
25 altered, forged, counterfeited or falsified.

1 (d) No person shall use a false or fictitious name or
2 address, or make any material false statement, or conceal any
3 material fact, in an application for a certificate of title, or
4 in a bill of sale or sworn statement of ownership.

5 (e) No person shall procure or attempt to procure a
6 certificate of title to a watercraft or boat trailer, or pass
7 or attempt to pass a certificate of title or any assignment
8 thereof to a watercraft or boat trailer, knowing or having
9 reason to believe that such watercraft or boat trailer has been
10 stolen.

11 (f) No person shall have possession of, buy, receive, sell
12 or offer to sell, or otherwise dispose of a watercraft or boat
13 trailer on which the manufacturer's or assigned serial number
14 of the watercraft or boat trailer has been destroyed, removed,
15 covered, altered, or defaced, knowing of such destruction,
16 removal, covering, alteration or defacement of such
17 manufacturer's or assigned serial number.

18 (g) No person shall destroy, remove, cover, alter or deface
19 the manufacturer's or assigned serial number on any watercraft
20 or boat trailer.

21 (h) No person shall possess, buy, sell, exchange or give
22 away, or offer to buy, sell, exchange, or give away the
23 certificate of title to any watercraft or boat trailer which is
24 a junk or salvage.

25 (Source: P.A. 88-524.)

26 Section 99. Effective date. This Act takes effect January

1 1, 2012.

1

INDEX

2

Statutes amended in order of appearance

3

625 ILCS 5/1-106.8 new

4

625 ILCS 5/3-402

from Ch. 95 1/2, par. 3-402

5

625 ILCS 5/3-601

from Ch. 95 1/2, par. 3-601

6

625 ILCS 5/3-819

from Ch. 95 1/2, par. 3-819

7

625 ILCS 45/1-2

from Ch. 95 1/2, par. 311-2

8

625 ILCS 45/Art. III

9

heading

10

625 ILCS 45/3-4

from Ch. 95 1/2, par. 313-4

11

625 ILCS 45/3-5

from Ch. 95 1/2, par. 313-5

12

625 ILCS 45/3-15 new

13

625 ILCS 45/3-16 new

14

625 ILCS 45/3-17 new

15

625 ILCS 45/Art. IIIA

16

heading

17

625 ILCS 45/3A-1

from Ch. 95 1/2, par. 313A-1

18

625 ILCS 45/3A-3

from Ch. 95 1/2, par. 313A-3

19

625 ILCS 45/3A-4

from Ch. 95 1/2, par. 313A-4

20

625 ILCS 45/3A-5

from Ch. 95 1/2, par. 313A-5

21

625 ILCS 45/3A-6

from Ch. 95 1/2, par. 313A-6

22

625 ILCS 45/3A-7

from Ch. 95 1/2, par. 313A-7

23

625 ILCS 45/3A-10

from Ch. 95 1/2, par. 313A-10

24

625 ILCS 45/3A-12

from Ch. 95 1/2, par. 313A-12

25

625 ILCS 45/3A-15

from Ch. 95 1/2, par. 313A-15

- 1 625 ILCS 45/3A-17 from Ch. 95 1/2, par. 313A-17
- 2 625 ILCS 45/3A-18 from Ch. 95 1/2, par. 313A-18
- 3 625 ILCS 45/3A-19 from Ch. 95 1/2, par. 313A-19
- 4 625 ILCS 45/3A-20 from Ch. 95 1/2, par. 313A-20
- 5 625 ILCS 45/3A-21 from Ch. 95 1/2, par. 313A-21